

**FILED**

**SEP 24 2014**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION**

BENJAMIN KARL SMITH,

Plaintiff,

vs.

CITY OF BILLINGS, et al.,

Defendants.

CV-13-107-BLG-SEH

**ORDER**

United States Magistrate Judge Carolyn Ostby entered her Findings and Recommendations<sup>1</sup> on September 5, 2014. Defendants filed objections on September 19, 2014.<sup>2</sup> Plaintiff did not file objections. The Court reviews *de novo* findings and recommendations to which objection is made. 28 U.S.C. § 636(b)(1).

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<sup>1</sup> (Doc. 41.)

<sup>2</sup> (Doc. 42.)


Upon *de novo* review of the record, I find no error in Magistrate Judge Ostby's Findings and Recommendations as to Defendants City of Billings, Billings Police Department, and Chief St. John's Motion for Summary Judgment and Defendants' Motion for Summary Judgment on Plaintiff's Claims asserted under Mont. Code. Ann. § 42-2-117 and adopt them in full.

The Findings and Recommendation as to Defendant Grant Morrison's Motion for Summary Judgment will be addressed by separate order of Court.

ORDERED:

1. Defendants City of Billings, Billings Police Department, and Chief St. John's Motion for Summary Judgment is GRANTED.
2. Defendants' Motion for Summary Judgment on Plaintiff's Claims asserted under Mont. Code. Ann. § 42-2-117 is GRANTED.

DATED this 24<sup>th</sup> day of September, 2014.

  
SAM E. HADDON  
United States District Judge